

21 C.J.S. Courts § 320

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Courts

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IX. Court Commissioners

C. Procedural Matters

§ 320. Proceedings before court commissioner

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Court commissioners have a duty to conduct quiet, orderly proceedings and are required to make a record of proceedings they conduct.

Court commissioners have a duty to conduct quiet, orderly proceedings, and must try to bring the parties to reasonable settlements of their differences.¹ Like judges, court commissioners are required to make a record of proceedings they conduct,² and a party is entitled to have the proceeding recorded if a timely request is made.³

A procedure wherein the court commissioner hears all of the evidence on everything at issue and then turns over the cold record to the trial judge for purposes of decision is unauthorized; such a procedure has the effect of denying the defendant a right to a decision upon controverted facts from one hearing the evidence.⁴

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Footnotes

- ¹ Wis.—[Forsythe v. Family Court Com'r of Dane County](#), 131 Wis. 2d 322, 388 N.W.2d 580 (1986).
- ² Utah—[Liska v. Liska](#), 902 P.2d 644 (Utah Ct. App. 1995).
- ³ W. Va.—[Aluise v. Nationwide Mut. Fire Ins. Co.](#), 218 W. Va. 498, 625 S.E.2d 260 (2005).

4 Cal.—[Badgley v. Van Upp](#), 20 Cal. App. 4th 218, 24 Cal. Rptr. 2d 406 (1st Dist. 1993), as modified on denial of reh'g, (Dec. 17, 1993).

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